

ORDINANCE 2019 - 01

**AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON  
AMENDING AND CORRECTING ORDINANCE 2018-09 AMENDING  
SECTION 13.32.080 OF THE SUNNYSIDE MUNICIPAL CODE  
PERTAINING TO BASE UTILITY CHARGES FOR THE AMBULANCE  
UTILITY**

**WHEREAS**, the City Council of the City of Sunnyside has previously adopted ordinances establishing the Sunnyside ambulance utility codified at former Chapter 13.32 of the Sunnyside Municipal Code; and

**WHEREAS**, Chapter 13.32 of the Sunnyside Municipal Code was repealed by Ordinance 2015-7, and its provisions were substantially recodified by that same ordinance as Chapter 7.04 of the Sunnyside Municipal Code; and

**WHEREAS**, Ordinance 2018-09 was adopted by City Council on November 13, 2018, and became effective on November 18, 2018; and

**WHEREAS**, errors in drafting Ordinance 2018-09 caused that ordinance to erroneously amend the now-repealed Section 13.32.080 of the Sunnyside Municipal Code, which has been substantially recodified as Section 7.04.080 of the Sunnyside Municipal Code; and

**WHEREAS**, the City Council now desires to amend Ordinance 2018-09 *nunc pro tunc*, i.e., to correct the errors in drafting that upon adoption of this Ordinance will have the same legal force and effect as if made at the time when made, i.e., upon the effective date of Ordinance 2018-09 on November 18, 2018; and

**WHEREAS**, the City Council has inherent authority to amend its ordinances under these circumstances, which will have retroactive legal effect upon the adoption of this Ordinance.

**NOW, THEREFORE, the City Council of the City of Sunnyside, Washington,  
do ordain as follows:**

**Section 1.** Section ~~13.32.080~~ 7.04.080 of the Sunnyside Municipal Code entitled "Base utility charge" is hereby amended to read as follows:

~~13.32.080~~ 7.04.080      Base utility charges.

- A.    City Utility Zone Fee Formula. A monthly service fee for the operations of the utility shall be established from time to time by ordinance of the city council in conformity with RCW 35.21.776. The amount of the fee shall be based upon cost of regulating ambulance services and the cost of providing the EMS program as determined by a cost-of-service study done pursuant to RCW 35.21.766 (3) Those costs, after deducting transport charges and other fund contributions shall be divided among Sunnyside residents and other occupants based on a calculation of demand costs and availability costs, consistent with accepted principles of utility rate setting.
1.    The rate attributable to availability costs of the utility shall be uniformly applied across all user classifications within the city utility zone.
  2.    The rate attributable to the demand costs shall be established and billed to each user classification based on each users classification's burden on the utility.

3. The base utility charge shall be collected and enforced in the same manner and with the procedures established for city utilities including, but not limited to, water, sewer and garbage utilities.

B. Base Utility Charge – Rates. The following monthly utility charges shall be assessed and collected:

1. Residential units. Each residential unit shall be assessed a monthly base utility charge in the amount of \$16.56.
2. Commercial businesses and industries. Each commercial business shall be assessed a monthly base utility charge in the amount of \$16.56 for each “equivalent residential unit (ERU)” computed as follows. The ERU shall be calculated by dividing the total number of employees employed by such business or industry, up to a maximum of 200 employees, by the number representing the average “household size” of residential and housing units within the City (as published from time to time by the Office of Financial Management of the State of Washington). (Note: For purposes of initial calculation, the household size is 3.6 persons per household according to current OFM calculations. The total number of employees would thus be divided by 3.6, and the resulting number multiplied by \$16.56 to equal the base utility charge; provided, however, that a church shall not be assessed a base utility charge greater than \$16.56.

3. Hotels/Motels. Each hotel/ motel shall be assessed a monthly base utility charge based on the total number of rooms assuming a 1.5 occupancy per room average. The total number of rooms per hotel/motel will be multiplied by 1.5 the average occupancy factor then divided by the ERU (3.6). This product will then be multiplied by the annual average of occupied rooms of 48%.
4. Assisted living and Nursing Homes. Any nursing home or rest home which is licensed by the state of Washington or adult family home or assisted living facility shall be billed based upon the number of rooms per facility. Those rooms occupied by residents whom are Medicaid eligible shall be exempt from this calculation. The number of residential units shall be based upon the number of residential units authorized for the facility by the governmental agency having jurisdiction over such matters.
5. Adjustment of Base Utility Rate. The base utility rate may be adjusted annually by the City Manager to reflect adjustments or changes in maintenance and operations costs of the ambulance utility; provided, however, that no annual increase shall exceed six percent without prior approval of the City Council. In the event such rate is modified, the City Manager shall post the new rate at the offices of City Hall and the offices of the Sunnyside Fire Department

and may distribute or publish such new rate as deemed appropriate to advise the public.

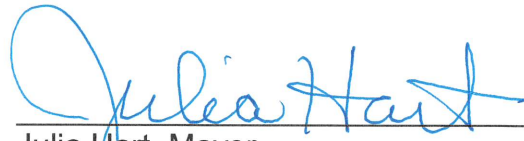
6. Medicaid adjustment. As provided by ~~SMC 13.32.080~~ this section, the base rate established above shall be adjusted for persons who are Medicaid eligible and who reside in a nursing home, boarding home, adult family home, or receive in-home services. Any customer seeking an exemption from the utility fee must file a written Medicaid exemption application to the Finance Director. Medicaid eligibility will be verified before an exemption is granted.

- C. Emergency Medical Services and Ambulance Fund. All base utility charge revenues collected pursuant to this chapter shall be deposited by the City into the Emergency Medical Services and Ambulance Fund. Such revenues shall be used solely for the operation, maintenance and capital needs of the ambulance service utility and emergency medical services provided thereby.

**Section 2.** Except as amended herein, the provisions of Chapter 13.32 7.04 of the Sunnyside Municipal Code shall remain unchanged.

**Section 3.** This Ordinance shall be effective five days after passage, approval and publication as required by law, and the utility rates adopted herein shall apply to the first billing issued in January 2019 and all subsequent billings.

**PASSED** by the City Council of the City of Sunnyside, Washington at its regular meeting on the 7<sup>th</sup> day of January 2019 and signed in authentication of its passage.

  
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Julia Hart, Mayor

**ATTEST:**

  
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Jacqueline Renteria, City Clerk

**APPROVED AS TO FORM:**

  
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KERR FERGUSON LAW  
Attorneys for the City of Sunnyside